

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-3692

Linda Halvorson, on behalf of
Mark Halvorson,

Appellant,

v.

Larry G. Massanari, Acting
Commissioner of Social Security,¹

Appellee.

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Appeal from the United States
District Court for the
District of North Dakota.

[UNPUBLISHED]

Submitted: June 7, 2001
Filed: June 12, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

¹Larry G. Massanari has been appointed to serve as Acting Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c)(2).

On behalf of her late husband Mark, Linda Halvorson appeals the district court's² decision affirming the Commissioner's denial of disability insurance benefits. We review that decision to determine whether it is supported by substantial evidence on the record as a whole, including the new evidence submitted to the Appeals Council. See Cunningham v. Apfel, 222 F.3d 496, 500 (8th Cir. 2000).

Having carefully reviewed the record, we conclude that the administrative law judge (ALJ) properly determined Mark's residual functional capacity, see Anderson v. Shalala, 51 F.3d 777, 779 (8th Cir. 1995); and properly evaluated his credibility, see Haggard v. Apfel, 175 F.3d 591, 594 (8th Cir. 1999) (decision of ALJ who considers, but for good cause expressly discredits, claimant's subjective complaints will not be disturbed). Further, we do not believe that the evidence concerning Mark's demise was material to determining whether he was disabled before his insured status expired. See Bergmann v. Apfel, 207 F.3d 1065, 1069 (8th Cir. 2000) (material evidence is evidence relating to claimant's condition for time period for which benefits were denied).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

²The Honorable Rodney S. Webb, Chief Judge, United States District Court for the District of North Dakota, adopting the report and recommendations of the Honorable Karen K. Klein, United States Magistrate Judge for the District of North Dakota.